

**AMENDMENTS TO THE CLAIMS**

*Please amend the claims as follows:*

1. (Original) An image transmitter which transmits image data, the image transmitter comprising:

an image selecting device which selects at least one image to be transmitted;

a data amount determining device which determines an amount of data in the selected image;

a battery residual quantity determining device which determines a residual quantity of a battery powering the image transmitter;

a transmittability determining device which determines whether or not it is possible to transmit all of image data of the selected image according to the amount of data in the selected image and the residual quantity of the battery; and

a control device which transmits the image if the transmittability determination device determines that it is possible to transmit all of image data, and which prohibits the image data from being transmitted if the transmittability determination device determines that it is impossible to transmit all of image data.

2. (Original) The image transmitter according to claim 1, further comprising a display device which displays a message indicating that it is impossible to transmit all of the image data if the control device prohibits the image data from being transmitted.

3. (Currently amended) ~~The image transmitter according to claim 1, wherein An image transmitter which transmits image data,~~ the image transmitter comprising:

an image selecting device which selects at least one image to be transmitted;

a data amount determining device which determines an amount of data in the selected image;

a battery residual quantity determining device which determines a residual quantity of a battery powering the image transmitter;

a transmittability determining device which determines whether or not it is possible to transmit all of image data of the selected image according to the amount of data in the selected image and the residual quantity of the battery; and

a control device which transmits the image if the transmittability determination device determines that it is possible to transmit all of image data, and which prohibits the image data from being transmitted if the transmittability determination device determines that it is impossible to transmit all of image data,

wherein the image data comprises an identification code[[]] and the image selecting device selects the image to be transmitted according to input of the identification code.

4. (Original) The image transmitter according to claim 3, wherein the identification code comprises at least one of the following: a manufacture identification code representing a manufacturer of an image input device capturing the image, a date identification code representing one of a photographing date and an image file creation date of the image, and a model identification code representing a model of the input image device.

5. (Currently amended) ~~The image transmitter according to claim 1, wherein~~ An image transmitter which transmits image data, the image transmitter comprising:

an image selecting device which selects at least one image to be transmitted;

a data amount determining device which determines an amount of data in the selected image;

a battery residual quantity determining device which determines a residual quantity of a battery powering the image transmitter;

a transmittability determining device which determines whether or not it is possible to transmit all of image data of the selected image according to the amount of data in the selected image and the residual quantity of the battery; and

a control device which transmits the image if the transmittability determination device determines that it is possible to transmit all of image data, and which prohibits the image data from being transmitted if the transmittability determination device determines that it is impossible to transmit all of image data,

wherein when a plurality of images are selected to be transmitted, if it is determined that it is impossible to transmit all of the image data, the control device transmits only transmittable image data per image and prohibits the rest of image data from being transmitted.

6. (Currently amended) ~~The image transmitter according to claim 1, wherein An image transmitter which transmits image data,~~ the image transmitter comprising:

an image selecting device which selects at least one image to be transmitted;

a data amount determining device which determines an amount of data in the selected image;

a battery residual quantity determining device which determines a residual quantity of a battery powering the image transmitter;

a transmittability determining device which determines whether or not it is possible to transmit all of image data of the selected image according to the amount of data in the selected image and the residual quantity of the battery; and

a control device which transmits the image if the transmittability determination device determines that it is possible to transmit all of image data, and which prohibits the image data from being transmitted if the transmittability determination device determines that it is impossible to transmit all of image data,

wherein the image data comprises main image data and thumbnail image data;

wherein if the determination device determines that it is impossible to transmit all of the main image data, the determination device further determines whether it is possible to transmit all of the thumbnail image data; and

wherein if the determination device determines that it is impossible to transmit all of the main image data and that it is possible to transmit all of the thumbnail image data, the control device transmits the thumbnail image data instead of the main image data.

7. (New) An image transmitter, comprising:

an image selecting device configured to select one or more images to be transmitted;

a data amount determining device configured to determine an amount of data related to the selected images, wherein image data for each image comprises a plurality of data components;

a battery residual quantity determining device configured to determine a residual quantity of a battery powering the image transmitter;

a transmittability determining device configured to determine whether or not at least some data of the selected images may be transmitted based on the residual quantity of the battery; and

a control device configured to transmit the at least some data in response to said transmittability determination device determining that the at least some data may be transmitted.

8. (New) The image transmitting device of claim 7, wherein the plurality of data components for each image includes a main image data and at least one of an annexed information and a thumbnail image data.

9. (New) The image transmitting device of claim 8, wherein the annexed information includes at least one of a

manufacturer of an image input device used to capture the image, a model of the image input device, a location information, a photographing date, a file creation date, and an amount of data.

10. (New) The image transmitting device of claim 9, wherein said image selecting device is configured to select the one or more images according to an identification code corresponding to the annexed information inputted to the image selecting device.

11. (New) The image transmitting device of claim 8, wherein said transmittability device is configured to determine whether the main image data of all selected images may be transmitted, and

wherein said control device is configured to transmit the main image data of all selected images in response to said transmittability determination device determining that the main image data of all selected images may be transmitted.

12. (New) The image transmitting device of claim 11,  
wherein said transmittability device is configured to  
determine whether the thumbnail image data of all selected  
images may be transmitted when it determines that the main image  
data of all selected images may not be transmitted, and  
wherein said control device is configured to transmit the  
thumbnail image data of all selected images in response to said  
transmittability determination device determining that the  
thumbnail image data of all selected images may be transmitted.

13. (New) The image transmitting device of claim 12,  
wherein said transmittability device is configured to  
determine whether the annexed information of all selected images  
may be transmitted when it determines that the thumbnail image  
data of all selected images may not be transmitted, and  
wherein said control device is configured to transmit the  
annexed information of all selected images in response to said  
transmittability determination device determining that the  
annexed information of all selected images may be transmitted.

14. (New) The image transmitting device of claim 11,  
wherein said transmittability device is configured to  
determine whether the main image data and the thumbnail image  
data of all selected images may be transmitted prior to  
determining whether the main image data of all selected images  
may be transmitted, and

wherein said control device is configured to transmit the  
main image data and the thumbnail image data of all selected  
images in response to said transmittability determination device  
determining that the main image data and the thumbnail image  
data of all selected images may be transmitted.

15. (New) The image transmitting device of claim 8,  
wherein for a selected image, said transmittability device  
is configured to determine whether the main image data of the  
selected image may be transmitted, and

wherein said control device is configured to transmit the  
main image data of the selected image in response to said  
transmittability determination device determining that the main  
image data of the selected image may be transmitted.

16. (New) The image transmitting device of claim 15,  
wherein said transmittability device is configured to  
determine whether the main image data of a next selected image  
in response said control device transmitting the main image data  
of the selected image, and

wherein said control device is configured to transmit the  
main image data of the next selected image in response to said  
transmittability determination device determining that the main  
image data of the next selected image may be transmitted.

17. (New) The image transmitting device of claim 15,  
wherein said control device is configured to prohibit any  
further transmission in response to said transmittability  
determination device determining that the main image data of the  
selected image may not be transmitted.

18. (New) The image transmitting device of claim 15,  
wherein said transmittability device is configured to  
determine whether the thumbnail image data of the selected image  
may be transmitted when it determines that the main image data  
of the selected image may not be transmitted, and

wherein said control device is configured to transmit the thumbnail image data of the selected image in response to said transmittability determination device determining that the thumbnail image data of the selected image may be transmitted.

19. (New) The image transmitting device of claim 18,  
wherein said transmittability device is configured to determine whether the annexed information of the selected image may be transmitted when it determines that the thumbnail image data of the selected image may not be transmitted, and

wherein said control device is configured to transmit the annexed information of the selected image in response to said transmittability determination device determining that the annexed information of the selected image may be transmitted.

20. (New) The image transmitting device of claim 15,  
wherein said transmittability device is configured to determine whether the main image data and the thumbnail image data of the selected image may be transmitted prior to determining whether the main image data of the selected image may be transmitted, and

wherein said control device is configured to transmit the main image data and the thumbnail image data of the selected image in response to said transmittability determination device determining that the main image data and the thumbnail image data of the selected image may be transmitted.

21. (New) An image transmitting method, comprising:
  - selecting one or more images to be transmitted;
  - determining an amount of data related to the selected images, wherein image data for each image comprises a plurality of data components;
  - determining a residual quantity of a battery powering the image transmitter;
  - determining whether or not at least some data of the selected images may be transmitted based on the residual quantity of the battery; and
  - transmitting the at least some data in response to the determination that the at least some data may be transmitted.

22. (New) The image transmitting method of claim 21, wherein the plurality of data components for each image includes

a main image data and at least one of an annexed information and a thumbnail image data.

23. (New) The image transmitting method of claim 22, wherein the annexed information includes at least one of a manufacturer of an image input device used to capture the image, a model of the image input device, a location information, a photographing date, a file creation date, and an amount of data.

24. (New) The image transmitting method of claim 23, wherein said step of selecting the one or more images comprises:  
receiving an identification code corresponding to the annexed information; and  
selecting the one or more images according to the identification code.

25. (New) The image transmitting method of claim 22, wherein said step of determining whether or not the at least some data of the selected images may be transmitted comprises determining whether the main image data of all selected images may be transmitted, and

wherein said step of transmitting the at least some data comprises transmitting the main image data of all selected images in response to a determination that the main image data of all selected images may be transmitted.

26. (New) The image transmitting method of claim 25,  
wherein said step of determining whether or not the at least some data of the selected images may be transmitted further comprises determining whether the thumbnail image data of all selected images may be transmitted in response to a determination that the main image data of all selected images may not be transmitted, and

wherein said step of transmitting the at least some data further comprises transmitting the thumbnail image data of all selected images in response to a determination that the thumbnail image data of all selected images may be transmitted.

27. (New) The image transmitting method of claim 26,  
wherein said step of determining whether or not the at least some data of the selected images may be transmitted further comprises determining whether the annexed information of

all selected images may be transmitted in response to a determination that the thumbnail image data of all selected images may not be transmitted, and

wherein said step of transmitting the at least some data further comprises transmitting the annexed information of all selected images in response to a determination that the annexed information of all selected images may be transmitted.

28. (New) The image transmitting method of claim 25,  
wherein said step of determining whether or not the at least some data of the selected images may be transmitted further comprises determining whether the main image data and the thumbnail image data of all selected images may be transmitted prior to determining whether the main image data of all selected images may be transmitted, and

wherein said step of transmitting the at least some data further comprises transmitting the main image data and the thumbnail image data of all selected images in response to a determination that the main image data and the thumbnail image data of all selected images may be transmitted.

29. (New) The image transmitting method of claim 22,  
wherein said step of determining whether or not the at  
least some data of the selected images may be transmitted  
comprises determining whether the main image data of a selected  
image may be transmitted, and

wherein said step of transmitting the at least some data  
comprises transmitting the main image data of the selected image  
in response to a determination that the main image data of the  
selected image may be transmitted.

30. (New) The image transmitting method of claim 29,  
wherein said step of determining whether or not the at  
least some data of the selected images may be transmitted  
further comprises determining whether the main image data of a  
next selected image may be transmitted in response the  
determination that the selected image may be transmitted, and

wherein said step of transmitting the at least some data  
further comprises transmitting the main image data of the next  
selected image in response to a determination that the main  
image data of the next selected image may be transmitted.

31. (New) The image transmitting method of claim 29, further comprising prohibiting any further transmission in response a determination that the main image data of the selected image may not be transmitted.

32. (New) The image transmitting method of claim 29, wherein said step of determining whether or not the at least some data of the selected images may be transmitted further comprises determining whether the thumbnail image data of the selected image may be transmitted in response to a determination that the main image data of the selected image may not be transmitted, and

wherein said step of transmitting the at least some data further comprises transmitting the thumbnail image data of the selected image in response to a determination that that the thumbnail image data of the selected image may be transmitted.

33. (New) The image transmitting method of claim 32, wherein said step of determining whether or not the at least some data of the selected images may be transmitted further comprises determining whether the annexed information of

the selected image may be transmitted in response to a determination that the thumbnail image data of the selected image may not be transmitted, and

wherein said step of transmitting the at least some data further comprises transmitting the annexed information of the selected image in response to a determination that the annexed information of the selected image may be transmitted.

34. (New) The image transmitting method of claim 29, wherein said step of determining whether or not the at least some data of the selected images may be transmitted further comprises determining whether the main image data and the thumbnail image data of the selected image may be transmitted prior to determining whether the main image data of the selected image may be transmitted, and

wherein said step of transmitting the at least some data further comprises transmitting the main image data and the thumbnail image data of the selected image in response to a determination that the main image data and the thumbnail image data of the selected image may be transmitted.